

Exhibit 24a

COPIES OF ALL CORRESPONDENCE WITH
THE POLICE AND NHDC'S LEGAL COUNSEL

SAR REQUEST DP002715

Copies of all correspondence with the Police and
NHDC's legal counsel

Jally Everett

From: Katie White
Sent: 22 October 2013 17:31
To: 'clerks@4-5.co.uk'
Subject: FAO Clerk to Tim Straker QC Strictly Confidential (LL12546) Email 1 of 2

Importance: High
Sensitivity: Confidential

Attachments: Brief to Counsel 22.10.13.doc; Item 7 - Appendix A.doc; Current Appointments Report 22.10.13.rtf; Current Appointments Report 17.09.13.rtf; Document; RE: Hitchin Committee tonight [Indexed in Anite]; DPI see attached [Failed to Export]; Disclosable Pecuniary Interests [Indexed in Anite]; Correspondence re non response to emails 21.10.13.doc

Dear Sirs,



Brief to Counsel
 22.10.13.doc ...

Please find attached an urgent Brief for Timothy Straker QC further to conversations with his Clerk.

The documents listed in the brief are set out at the end of the email in the order they appear in the Brief. Please let me know if there is any difficulty accessing any of the documents. Document D (Copy of Development Agreement) will be forwarded under cover of a separate email, due to the size of it.

I look forward to hearing from you with a costs estimate as soon as possible.

I would be grateful if you could confirm receipt of this email by return due to the confidential nature of the contents.

Thank you for your assistance.

Kind regards,

Katie White
Corporate Legal Manager and Monitoring Officer

Direct Dial: 01462 474315
 Mobile Number: 07917 750580

North Hertfordshire District Council
 Council Offices
 Gernon Road
 Letchworth Garden City
 SG6 3JF
 DX 31317 Letchworth
 katie.white@north-herts.gov.uk
www.north-herts.gov.uk

a) Councils Code of Conduct



Item 7 - Appendix
 A.doc (84 KB...

b) Current Appointments reports dated 17th September 2013 and 22nd October 2013



Current
 Appointments Report

News article from the Comet dated 17th October 2013

3.



Document

d) Copy of Development Agreement dated 9th September 2013 between North Herts District Council and Hitchin Town Hall
To Follow under separate cover

e) Correspondence between the Member and your Instructing Solicitor (KW)
i. Email thread including:

1. KW to the Member dated 10.09.2013
2. Member to KW dated 10.09.2013
3. KW to member dated 16.09.2013
4. Member to KW dated 17.09.2013 (see red annotations)



RE: Hitchin
committee tonight

ii. Email Member to KW attaching amended DPI form dated 17.09.2013



DPI see attached
[Failed to Ex...

iii. Email thread to KW dated 27th September 2013 and KW to Member dated 14th October 2013



Disclosable
pecuniary Interest..

iv. Letter KW to Member dated 21st October 2013



Correspondence
re non response...

H.

BRIEF TO COUNSEL

1. Counsel is requested:

- I) to advise and assist with the assessment of the Member's position in relation to Disclosable Pecuniary Interests and Declarable Interests. Counsel is asked to review and consider whether your Instructing Solicitor's assessment of the position (as set out in attached correspondence) is accurate and correct.
- II) to provide advice in relation to the Monitoring Officer's options and next steps in relation to the Member.
- III) to advise generally on the matter.

2. Your instructing Solicitor is Katie White, Corporate Legal Manager and Monitoring Officer, Legal Services on behalf of North Hertfordshire District Council of Council Offices, Gernon Road, Letchworth, Hertfordshire SG6 3JF. The Council's DX address is DX 31317 Letchworth. Her Contact Details are katie.white@north-herts.gov.uk / 01462 474315. It would be appreciated if Counsel's advice could be emailed. Please contact your Instructing Solicitor or her PA Sally Everett sally.everett@north-herts.gov.uk / 01462 474576 if you require any additional information.

ENCLOSURES

Counsel has enclosed:-

- a) Council's Code of Conduct (adopted 18 July 2013)
- b) Current Appointment Reports dated 17 September 2013 and 22 October 2013
- c) News article from the Comet dated 17 September 2013
- d) Copy Development Agreement dated 9 September 2013 between Hitchin Town Hall Limited and North Herts District Council
- e) Correspondence between the Member and your Instructing Solicitor (KW):
 - i. Email thread including:
 1. KW to the Member dated 10/09/13
 2. Member to KW dated 10/09/13
 3. KW to the Member dated 16/09/13
 4. Member to KW dated 17/09/13 (see red annotations)
 - ii. Email Member to KW attaching amended DPI form dated 17/09/2013
 - iii. Email thread KW to Member dated 27 September 2013 and KW to Member dated 14 October 2013
 - iv. Letter KW to Member dated 21 October 2013

BACKGROUND

1. Cllr David Leal-Bennett "the Member" was elected on 4 May 2012. Since that time the Monitoring Officer (supported by the other statutory officers) has had a challenging time communicating with the Member about Standards matters. The Member has been reluctant to accept the Monitoring Officers advice on an ongoing basis.
2. Counsel is directed to the Councils Code of Conduct (referenced above as Document A).
3. The Member is a Director of Hitchin Town Hall Limited "HTHL". HTHL is registered with Companies House (Company Number 07974116). There are two Current Appointment Reports enclosed dated 17 September and 22 October 2013 to which Counsel is directed. (Referenced above as Documents B). Both list the Member as a Director, (subject to the disclaimer on the front page). For information, Counsel is

- 6.
- also directed to a news article from the local newspaper, The Comet, which refers to the Member as a Director (Referenced above as Document C.)
4. HTHL is registered with the Charities Commission (Registration Number 1148921). The Member is listed as a Trustee.
 5. The Council has entered into a Development Agreement for the development of a district wide Museum and community facility. (Referenced above as Document D.)
 6. The Member had recorded his Directorship of HTHL as a Disclosable Pecuniary Interest (DPI) since the introduction of the new Standards regime.
 7. The correspondence between the Member and your Instructing Solicitor is referred to above as Document E, and is relevant to the detail set out below.
 8. Your Instructing Solicitor was on maternity leave until July 2013, and the post was covered by Anthony Roche, so that Counsel is able to make sense of references to an alternative contact.

ISSUES

9. There have been a number of verbal and written discussions with the Member about the impact of a DPI in relation to the Member's ability to participate in a meeting with a relevant agenda item. The most recent of these was on 10 September 2013. Following on from that email dialogue, your Instructing Solicitor received an amended Notice of Disclosable Pecuniary Interests Form from the Member on 17 September 2013. This removed reference to the Member's directorship of HTHL as a DPI. This is attached as part of the correspondence.
10. Your instructing Solicitor emailed the Member on 27th September 2013. This sets out your instructing Solicitors views. IT checks confirm that the email was successfully relayed to the recipient.
11. No response was received from the Member, and a further email was sent to him on 14 October 2013 and followed up by way of letter on 21 October 2013. No response has been received.
12. Counsel will note that your Instructing Solicitor is concerned that the Member retains a Disclosable Pecuniary Interest that he is failing to declare as legislation requires.
13. Counsel will also note that your Instructing Solicitor is of the view that the Member's trusteeship of HTHL is a Declarable Interest.
14. Your Instructing Solicitor is mindful of the Localism Act, and is of the view that if the Member continues to refuse to declare his directorship as a DPI, this is a matter that

needs to be reported to the Police. Before taking that step, Counsels advice is requested.

15. The North Hertfordshire Museum Project is a very significant project for the Council with considerable public and member scrutiny.

Signed: K M White.....

Dated: 22 October 2013

Katie White

Corporate Legal Manager and Monitoring Officer - Legal Services
for and on behalf of the Council

BRIEF TO COUNSEL

Katie White
Corporate Legal Manager and
Monitoring Officer
Legal Services
North Hertfordshire District Council
Council Offices
Gernon Road
LETCHWORTH
Hertfordshire
SG6 3JF

DX 31317 LETCHWORTH

REF: KW/LL12546

8.

A8D0EBA13B3C11E3938ED62B5753C384
FAO Clerk to Tim Straker QC Strictly Confidential (LL12546) Email 1 of 2
From: John Lister [jlister@4-5.co.uk]
Sent: 22 October 2013 17:35
To: Katie White
Subject: RE: FAO Clerk to Tim Straker QC Strictly Confidential (LL12546) Email 1 of 2

Many thanks Katie.

I shall come back to you very shortly with a fee estimate.

With kind regards,

John

John Lister

Chambers' Director

4-5 Gray's Inn Square Chambers

020 7404 5252

From: Katie White [mailto:Katie.White@north-herts.gov.uk]
Sent: 22 October 2013 17:30
To: clerks@4-5.co.uk
Subject: FAO Clerk to Tim Straker QC Strictly Confidential (LL12546) Email 1 of 2

Dear Sirs,

<<Brief to Counsel 22.10.13.doc>>
Please find attached an urgent Brief for Timothy Straker QC further to conversations with his Clerk.

The documents listed in the brief are set out at the end of the email in the order they appear in the Brief. Please let me know if there is any difficulty accessing any of the documents. Document D (Copy of Development Agreement) will be forwarded under cover of a separate email, due to the size of it.

I look forward to hearing from you with a costs estimate as soon as possible.

I would be grateful if you could confirm receipt of this email by return due to the confidential nature of the contents.

Thank you for your assistance.

Kind regards,

Katie White
Corporate Legal Manager and Monitoring Officer

Direct Dial: 01462 474315
Mobile Number: [REDACTED]

Page 1

9.

A8D0EBA13B3C11E3938ED62B5753C384

North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
SG6 3JF
DX 31317 Letchworth
katie.white@north-herts.gov.uk
www.north-herts.gov.uk

a) Councils Code of Conduct

<<Item 7 - Appendix A.doc>>

b) Current Appointments reports dated 17th September 2013 and 22nd October 2013
<<Current Appointments Report 22.10.13.rtf>> <<Current Appointments Report
17.09.13.rtf>>

c) News article from the Comet dated 17th October 2013
<<Document>>

d) Copy of Development Agreement dated 9th September 2013 between North Herts
District Council and Hitchin Town Hall
To Follow under separate cover

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2. Member to KW dated 10.09.2013
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4. Member to KW dated 17.09.2013 (see red annotations)

<<RE: Hitchin Committee tonight [Indexed in Anite]>>

ii. Email Member to KW attaching amended DPI form dated 17.09.2013

<<DPI see attached [Failed to Export]>>

iii. Email thread to KW dated 27th September 2013 and KW to Member dated 14th
October 2013

<<Disclosable Pecuniary Interests [Indexed in Anite]>>
iv. Letter KW to Member dated 21st October 2013

<<Correspondence re non response to emails 21.10.13.doc>>

Any opinions expressed in this email are those solely of the individual. This email and any files transmitted with it are confidential and solely for the use of the intended recipient. If you are not the intended recipient or the person responsible for delivering to the recipient, be advised that you have received this email in error and that any use is strictly prohibited. If you have received this email in error please delete it.

16.

North Herts District Council
Council Offices
Gernon Road
Letchworth Garden City
Herts SG6 3JF

.....

facsimile transmittal

To: Attention of Clerk to Tim Straker Fax: 0207 242 7803
From: Katie White - NHDC Date: 22/10/2013
Re: LL12546 Confidential Advice Pages: 37 including this header
CC: DX LDE 1029.

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

.....

Please find attached document D referred to in the Brief to Counsel and the covering email dated today .

Katie White

Corporate Legal Manager and Monitoring Officer

Tele: 01462 474315 Direct Dial

Facsimile: 01462 474227

Email: Katie.white@north-herts.gov.uk

DX 31317 Letchworth

North Herts District Council

.....

11.
Clerk to Timothy Straker QC
4 – 5 Gray's Inn Square
London
WC1R 5AH

Our Ref:
Contact Officer:
Direct Line:
Email
Date:

KW/se/LL12546
Katie White
01462 474315
katie.white@north-herts.gov.uk
23rd October 2013

Dear Sir/Madam

I write further to our Brief to Counsel and associated documents sent to the following email address; clerks@4-5.co.uk and an additional 44 page document sent by fax to 0207 242 7803 on the 23rd October 2013.

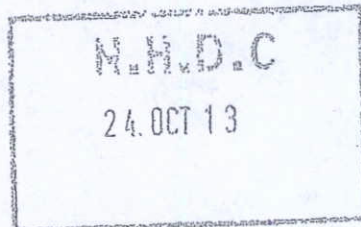
Please find enclosed, as advised, the full report referred to as Document D within the Brief to Counsel.

I look forward to hearing from you shortly.

Yours faithfully

Katie White
Corporate Legal Manager and Monitoring Officer

Ms K. White
North Hertfordshire Dist Ccl.,
Legal Department,
Council Offices, Gernon Road,
Letchworth,
Herts SG6 3JF
DX: 31317 LETCHWORTH



11 12 546 12.
Have copy received by
legal
4-5
Gray's Inn Square

4-5 Gray's Inn Square
Gray's Inn London WC1R 5AH
DX 1029 LDE

Telephone 020 7404 5252
Facsimile 020 7242 7803

clerks@4-5.co.uk
www.4-5.co.uk

22 October 2013

Your ref: ** unknown **
Case No: 70813

Dear Ms K. White,

Re: Disclosable Pecuniary Interests and Declarable Int

I acknowledge receipt from you as instructing solicitor of papers which will be placed before Mr Timothy Straker QC at the earliest opportunity.

The model terms and conditions upon which instructions are received are set out on our website at www.4-5.co.uk.

The website also sets out the complaints procedure. Please bring this to the attention of your client. Please confirm that you have done so.

Details of Mr Timothy Straker QC's VAT status can also be obtained from the website.

Should you have any queries, please do not hesitate to contact either myself on 0207 670 1555 or George Scanlan on 0207 670 1550

Yours sincerely,

Stephen Broom
Clerk to Mr Timothy Straker QC

13.

D7B0F8F252A511E39AB6D62B5753C384

From: Sally Everett
Sent: 28 October 2013 15:18
To: 'clerks@4-5.co.uk'
Subject: FAO Clerk to Tim Straker QC strictly Confidential (LL12546)
Brief to Counsel
Good afternoon

Further to recent emails and Katie White's telephone conversation with your offices, I am enquiring if you are as yet able to provide us with a costs estimate.

Your earliest response would be appreciated.

Regards

Sally

Sally Everett
Monitoring Officer Technical Support and PA to Corporate Legal Manager

Direct Dial: 01462 474576

North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
Herts
SG6 3JF

DX 31317 Letchworth

sally.everett@north-herts.gov.uk
www.north-herts.gov.uk

Jeanette Thompson

From: Tim Straker QC *email*
Sent: 29 October 2013 16:57
To: Katie White
Cc: sally.everett@nort-herts.gov.uk
Subject: Disclosable Pecuniary Interest.docx2.docx{1B5D3E6D-8124-4AB7-A2FD-4E01AB8676E3}
Attachments: Disclosable Pecuniary Interest.docx2.docx

As per instructions and conversation with my clerk.

If you wish me to add to or emphasise any particular matter please just say so.

Best wishes

.. Straker

Disclosable Pecuniary Interests

OPINION

1. North Hertfordshire District Council is a principal local authority pursuant to the Local Government Act 1972. Consequently, by section 2 (2), it is constituted by a council consisting of a chairman and councillors. It is inevitable, given the functions of a local authority, that a councillor may have pecuniary interests which impinge on those functions.
2. Accordingly, legislation has been enacted in respect of such interests and, currently, such legislation is to be found in Chapter 7 of the Localism Act 2011. It should be noted that the Act distinguishes between interests and pecuniary interests; in turn, pecuniary interests are either (bare) pecuniary interests or disclosable pecuniary interests.
3. Section 29 of the 2011 Act requires the monitoring officer of North Hertfordshire District Council to establish and maintain a register of interests of members of the Council. Subject to the provisions of Chapter 7 of the Act it is for a local authority to determine what is to be entered on an authority's register. I have not seen North Hertfordshire's determination as to what should go in the register of interests but, I am taking it as apparent that it must include, expressing the matter broadly, employment.
4. Section 29 having demanded a register of interests, section 30 then requires (in general terms) disclosure of pecuniary interests on taking office (i.e. on taking up the office of councillor).
5. Section 31 concerns itself (in general terms) with meetings when a member who is present has a disclosable pecuniary interest in any matter being considered at such meetings. A disclosable pecuniary interest is a defined expression whose meaning is given by section 30 (3) of the 2011 Act. It is clear that any matter is a wide expression.

6. The Act, in order to secure that the obligations it imposes are met, provides for criminal sanctions. Thus, a person commits an offence if, without reasonable excuse, he fails to comply with an obligation imposed upon him by section 30 (1), (2), (3), or (7), participates in contravention of section 31 (4) or takes any steps in contravention of section 31 (8). It is also an offence to provide information that is false or misleading.
7. North Hertfordshire District Council has a contractual relationship with Hitchin Town Hall Limited. That company happens to be a charity but, clearly, an interest can still exist consequential upon such a company's activities, whether a charity or not, and, moreover, pecuniary interests can likewise be generated. Indeed this might be thought a necessary consequence of a company, whether a charity or not, having such a contractual relationship.
8. A pecuniary interest is one which is disclosable if it is of a description specified in regulations made by the Secretary of State. The relevant regulations are the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, SI 2012/1464.
9. On 22 October 2013 Mr Leal-Bennett, an elected member of North Hertfordshire District Council, was recorded as being a director of the company, Hitchin Town Hall Ltd. On the face of it a director in a company, which has a contractual relationship with a local authority, will have a disclosable pecuniary interest in any matter arising between the company and the local authority. This is because a contractual relationship generates a pecuniary relationship between the company and the council with a director having a clear interest in the company.
10. It should be noticed that pecuniary interest, as such, is not defined in the Act. However, it might be thought a statement of the obvious to say that ordinarily a director will have a pecuniary interest in a company of which he happens to be director.
11. Furthermore, a disclosable pecuniary interest is described in the Act, by section 30(3), as being of a description specified in regulations, i.e. the Regulations to which I have referred. The schedule to the Regulations refers to any employment, office, trade, profession or vocation carried on for profit or gain as being a prescribed description. This plainly does not signify that the person falling within the description has himself to have a direct relationship with the council. That would undermine the use of the word any before the word matter and the breadth of the subject. (It will be remembered that the legislation is concerned with disclosable pecuniary interests in any matter).

12. To be a director is clearly to hold an office. Many directors are unpaid and unless there is a provision in a company's constitution for remuneration a director is not entitled to be paid any remuneration: see paragraph 518 of volume 14 of Halsbury's Laws of England (5th edition). However, ordinarily to hold the office of director is, at least ordinarily, to hold an office carried on for profit or gain. The vast bulk of directors would not contemplate undertaking the task without some expectation of profit or gain.
13. A question should here be noted. On the facts here it appears, at least originally, to have been thought that to hold a directorship in Hitchin Town Hall Ltd is to have a pecuniary interest. Such was expressly so stated. Thus, it appears likely to have been thought, that there was an office carried on for profit or gain. However, one can conceive of a circumstance where an individual employment is not carried on for profit in the sense that the individual holding the employment does so on an honorific basis.
14. The question, contemplated in the preceding paragraph, is whether the prescribed description is generic or entirely particular. In other words is the description talking of employment generally carried on for gain or is it talking of the particular circumstance of (say) the particular employee who chooses to work (because (say) he is independently rich) for nothing? I consider that the schedule is being used to refer to individual rather than generic circumstances. The character of interests is plainly variable and the register is intended to reflect individual cases. Further, the legislation is penal and would, therefore, be interpreted narrowly.
15. However, I find it very difficult to suppose of a directorship in a company which would not fall within the prescribed description. First, ordinarily remuneration of directors will be provided for by a company's constitution. Second, it is difficult to suppose of the office of director being carried on for loss. Third, the true position of directors is that of agents for the Company: paragraph 535, *op. cit.* with a right of indemnity: paragraph 536. Fourth, the reference is to profit or gain; the latter may be gained somewhat more indirectly than the former.
16. It is now appropriate to refer to the email of 17 September 2013 whereby Mr. Leal-Bennett sought to respond to certain concerns which had been raised. The email provided a reference to a revised register of a member's interest. Two things should straightaway be noticed.

- 18.
17. First, in the opening paragraph reference is made to both Hitchin Town Hall Ltd and Mountford Ltd. The Councillor says he does not have a pecuniary interest in either. He goes on to say that it is a charity and is not for profit or gain. (It is not clear to which company reference is being made but it appears more likely to be Hitchin Town Hall Ltd). This point, in the e mail, is made by reference to question 1, which relates to employment.
18. The reference to the exercise not being for profit or gain is a reference to the first subject in the schedule to the Regulations namely employment, office, trade, profession or vocation. However, the fact that Hitchin Town Hall Ltd is a charity is beside the point. The reference is, in the material part, to any office carried on for profit or gain. Clearly people work for charities for reward and the fact the charity is not seeking a profit or gain does not lead to the conclusion that the employment, office, trade, profession or vocation is not within the prescribed description. (Furthermore, it does not even lead to the conclusion that the charity does not have a pecuniary interest; it plainly does).
19. Second, in the opening sentence reference is next made to question 7. No reference is made to question 3 (or the third subject in the schedule to the Regulations). Question 3 refers to any contract made between a body in which the member has a beneficial interest and a council under which goods or services are to be provided or works are to be executed and which has not been fully discharged.
20. There undoubtedly is an agreement between the District Council and Hitchin Town Hall Limited, which does not appear fully to have been discharged. It plainly contemplates goods or services and the execution of works. Hitchin Town Hall Limited is a company limited by guarantee. It may, accordingly, be supposed that it does not have a share capital: paragraph 79, op.cit. However, Mr Leal-Bennett is a director and, as it would appear, a member of the company: see paragraph 321, op.cit.
21. Accordingly, if Mr Leal-Bennett, as a member of the company, has a beneficial interest in the company then he must have a disclosable pecuniary interest. It would appear highly likely that he has such an interest.
22. It follows, from what I have said, that I do not agree with the approach signalled in the opening of the email by Mr Leal-Bennett.
23. The balance of the e mail of 17 September 2013, which is the last substantive communication, is, to a considerable degree, contingent on the opening sentences to which I have referred and which I consider incorrect. The e mail from Mr Leal-

Bennett is a reply to one from my instructing solicitor that appears correct in its approach.

24. The only observation I seek to add is that it appears more likely that the Councillor being a member of and having a beneficial interest in the Company has a disclosable pecuniary interest in consequence of the third item in the schedule to the Regulations. It is not clear that there are shares or securities in the Company given that it is a company limited by guarantee. One can, however, test the proposition of the likely beneficial interest by asking what would happen to assets on a distribution or wind up of the Company. They would go to the members.
25. The Councillor is a trustee of Hitchin Town Hall Ltd. It is clear, in agreement, with my instructing solicitor that such is a disclosable interest. It may, actually, go further given the character of trusteeship. In other words it may be a pecuniary interest. However, I have not considered this at length.
26. The preceding paragraphs reveal that it would be desirable to have some further information about the Company and the trust. However, the matter is sufficiently clear for me to be able to signify my agreement, in accordance with what I have said, with my Instructing Solicitor.
27. The Monitoring Officer should next, as it appears to me, inform the Councillor that she has taken leading counsel's opinion, which is in agreement with her and which points out that the Councillor is proceeding on a mistaken basis by supposing the situation is different as regards his position by virtue of the Company being a charity. The opinion also observes that in consequence of his directorship and his membership of the Company he is likely also to have a disclosable pecuniary interest in the light of the agreement between the Council and the Company. The seriousness of the matter should be explained.
28. The Monitoring officer should take steps to secure further information about the Company, its structure and its membership. The same is true of the trust. It should be identified, if possible, what, if anything, has changed in respect of the Councillor.
29. The purpose of seeking the information is two fold and that can be explained. First, so as to enable the Monitoring Officer fully to perform her duties. Second, so that when the police are informed, assuming that occurs, reasonably full details can be provided. A draft letter to the police should be prepared. This should be shown to the Councillor so that he can provide any comments he wishes on the facts in the letter.

20.

30. The preceding steps may also bring home the seriousness of the matter and encourage adherence to the law.

31. In respect of the underlying matters the Council, proceeding on the basis the meetings are properly structured in accordance with standing orders, should be reasonably safe from judicial challenge. If the Councillor should not have been present the meeting will not be invalidated unless and until an order is made to that effect. The passage of time will protect decisions along with, assuming such to be the case, a lack of prejudice to a challenger. However, nothing in this paragraph undermines the obligations on the Councillor.

CONCLUSION: The approach of my Instructing Solicitor is correct.

29 October 2013

clerks@4-5.co.uk

TIMOTHY STRAKER QC

4-5 Gray's Inn Square, London WC2

Sally Everett

From: Tim Straker QC
Sent: 13 November 2013 16:03
To: Katie White
Subject: Disclosable Pecuniary Interests

Thank you for telephoning to acknowledge receipt of my opinion.

I should, on reflection, mention paragraph 27 in which the word likely is used in the penultimate sentence. I used that word having in mind that there can be outside limits for shareholdings and other matters. The individual small shareholding in a large concern is an example. However, in the circumstances under consideration in the opinion it seems virtually inconceivable that there is not a disclosable pecuniary interest.

Best wishes

Timothy Straker

Detective Chief Superintendent Mick Campbell
Hertfordshire Constabulary Headquarters
Stanborough Road
Welwyn Garden City
Hertfordshire
AL8 6XF

Our Ref: KW/LL12546
Your Ref:
Contact: Katie White
Direct Dial No: 01462 474315
E-Mail Address: katie.white@north-herts.gov.uk

4th March 2014

Dear Sir

Re: Section 34 Localism Act 2011

I understand that you are the point of contact for referrals of alleged offences under section 34 of the Localism Act 2011.

I am the Monitoring Officer at North Hertfordshire District Council, pursuant to section 5 of the Local Government and Housing Act 1989. I am writing to you regarding the interests of a District Councillor, the details are as set out below.

The Member

Cllr David Leal-Bennett
26 The Avenue
Hitchin
North Hertfordshire

Outline of the Facts

The Member was elected on 3 May 2012. The Member is also a Director of Hitchin Town Hall Limited (HTHL) (a company limited by guarantee/company number 07974116) and a registered charity (registered number: 1148921).

The Council is working in partnership with HTHL to redevelop Hitchin Town Hall as a District wide museum and community centre. To that end a revised Development Agreement was signed between the parties on 9 September 2013.

The Member had previously registered a Disclosable Pecuniary Interest with the Monitoring Officer in respect of his directorship. However on the 17th September 2013, the Member forwarded a revised Declaration Form that removed reference to his directorship of HTHL. I have been in correspondence with the Member since that date, and he does not accept that he has a Disclosable Pecuniary Interest in relation to his directorship. In light of that, I have sought leading Counsel's advice and I now find myself in the position of needing to refer this matter to you for your consideration.

The Member has seen a draft of this letter.

I anticipate you may require additional information, in which case please do not hesitate to contact me.

Yours faithfully

Katie White
Corporate Legal Manager and Monitoring Officer

23.



HERTFORDSHIRE
CONSTABULARY

N.H.D.C

21. MAR 14

Ms K WHITE
Corporate Legal Manager and Monitoring Officer
North Hertfordshire District Council
Council Offices
Gernon Road
LETCWORTH GARDEN CITY
Hertfordshire
SG1 3JF

Date: 08 March, 2014
Our Ref: MC/ZH/kwhite08m
Your Ref: KW/LL12546
Contact: Det Chief Supt CAMPBELL
Direct Line: 01707 354524

Dear Ms White

Re: Section 34 Localism Act 2011

Thank you for your letter of 4 March 2014 concerning alleged offences under Section 34 of the Localism Act 2011 and Councillor David Leal-Bennett.

The matter was referred to me on 26th February 2014 by Mr Gavin Miles and was tasked to a member of my staff to scope.

Whilst it is clear a breach may have been committed under the Localism Act 2011, the explanation and circumstances make a prosecution inappropriate. I have fed this back to Mr Miles, our position reflecting the unanimity of the vote and the very technical/minor nature of the breach.

Please be assured we have both the expertise and commitment to pursue offences of this nature and will do so as circumstances justify. In the meantime, thank you for bringing this matter to my attention. I believe all parties now consider it closed.

Yours sincerely


Michael CAMPBELL

Detective Chief Superintendent
Head of Crime and Operational Support

Police Headquarters, Stanborough Road, Welwyn Garden City, Herts. AL8 6XF Tel: 01707 354000 Fax: 01707 354409

24.

Detective Chief Superintendent Mick Campbell
Hertfordshire Constabulary Headquarters
Stanborough Road
Welwyn Garden City
Hertfordshire
AL8 6XF

Our Ref: KW/LL12546
Your Ref: MC/ZH/kwhite08m
Contact: Katie White
Direct Dial No: 01462 474315
E-Mail Address: katie.white@north-herts.gov.uk

25th March 2014

Dear Mr Campbell

Re: Section 34 Localism Act 2011

Thank you for your letter of the 8th March 2014 received on the 21st March 2014.

Your letter refers to two separate matters concerning two different elected members. The matter referred to you by Mr Gavin Miles on the 26th February 2014 related to

I am aware of the rationale as to your position on the unanimity of the vote and the very technical and minor nature of the breach. It is perhaps unfortunate that the scope of the Localism Act means that Monitoring Officers are needing to refer such minor matters.

My letter to you of the 4th March 2014 relates to a different Member and an entirely different set of circumstances, about which I as Monitoring Officer in my statutory position have grave concerns. I am pleased to hear that you have the experience and commitment to pursue offences of this nature if circumstances justify. Given the facts surrounding Councillor Leal-Bennet's case would it be possible for you to give me further details as to why you are not considering this matter.

Given the content of your letter, and my comments above I am wanting to ensure that it is entirely clear that we are dealing with two different elected Members and a very different set of circumstances.

I would be grateful to hear from you with the additional clarification.

Yours sincerely

Katie White
Corporate Legal Manager and Monitoring Officer

12546. 25.

Gordon McCulloch

3/4/14

cc of letter.

reg'd charity
C Ltd by g'lee

Charitable fundraising.

Annual π for CWR Lord Barrett.

Explanatory

Gordon McCulloch DS /KW

8/4/14.

Localism Act s30
s5 1989 Act.

Emails / letters KW / DUS.

Brief.

/ Code.

minutes + Emails (JR).

27.

(12544)

MOBILE NO!

15/9/14 tlc
not in for a wk
LITCHING

Tlc Gareth Jackson

27/8/14 14.00

35 mins

DLB

You've picked this up

Can clearly see breach

He is claiming no pecuniary interest

clearly contract

Saying non-profit \therefore no pecuniary \therefore no financial

CPS - to be investigated fully

findings, i/v + account

to be presented to them for charging decision

* EV from project manager - what HTHL interest + business relationship
+ business interest in discussions

↳ copies of contracts

↳ dates

evidential background

Discuss DLB email - you suggest leave it

Give you background

12 month limitation

i/v will be to come

got head around leg^a

last involvement

4/6, 10/9, 12/11

↳ Hitchen Committee

person taking minutes - in

discussion

Cabinet \rightarrow 6/14 w/in capital monitoring report

✓ * present @ other meetings? \rightarrow last = Aug last year

1013

✓ & ✓ one undated re presence in room

Jeanette Thompson

From: Anthony Roche
Sent: 27 August 2014 14:37
To: 'gareth.jackson@herts.pnn.police.uk'
Subject: FW: Planning Committee - Hitchin Town Hall item

Gareth

As discussed, please see below the latest exchange with Cllr Leal- Bennett. I confirm following our discussion I will not respond to his email.

I'll revert to you with information regarding the project manager, minute taker and other meetings.

Link to Hitchin Committee minutes is as follows - <http://www.north-herts.gov.uk/aksnherts/users/public/admin/kab71.pl#HIT>

If you need any other information please do not hesitate to contact me.

Kind regards

Anthony Roche
Acting Corporate Legal Manager and Monitoring Officer - Legal Services

Direct Dial: 01462 474588

North Hertfordshire District Council
 Council Offices
 Gernon Road
 Letchworth Garden City
 Hertfordshire
 SG6 3JF

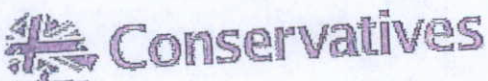
31317 Letchworth

tony.roche@north-herts.gov.uk
www.north-herts.gov.uk

From: David Leal-Bennett [<mailto:david@hitchinconservatives.co.uk>]
Sent: 14 August 2014 18:11
To: Anthony Roche
Cc: Marie Searle
Subject: RE: Planning Committee - Hitchin Town Hall item


Thank you, your advice is noted.

My office is [REDACTED] and mobile [REDACTED] the one below is just an answer phone



David Leal-Bennett
 Highbury Ward Councillor

44 (0)1462 459583
<http://www.conservatives.com>

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From: Anthony Roche [<mailto:Anthony.Roche@north-herts.gov.uk>]
Sent: 14 August 2014 15:07
To: Cllr Leal-Bennett (external)
Cc: Marie Searle
Subject: RE: Planning Committee - Hitchin Town Hall item

David

Thank you for the welcome and I gather you popped by earlier to say hello whilst I was elsewhere in meetings.

I understand from Marie that matters have moved on in respect of this evening, in that you are no longer intending to speak. Thank you for confirming this. Marie has also raised with me that you mentioned in passing that you planned to attend tonight to watch proceedings from the public gallery and she has asked me to cover this with you. Section 7.4 and 7.5 of the Council's Code of Conduct are clear that as you have a Disclosable Pecuniary Interest (discussed below) you must leave the room after any public speeches but prior to the debate of the item. I can ask that the speakers in Committee Room 1 are turned on so that you can follow the debate from there if you wish.

I think it is still helpful if I set out, for future reference, your position whilst you remain a director of Hitchin Town Hall Limited. I am aware that steps are underway for you to relinquish your directorship, but until those are fully completed you remain a director of a company that is in a contractual relationship with the Council. As Marie correctly explained below this is clearly a Disclosable Pecuniary Interest under the legislation. My advice is therefore that if you had taken part in the meeting, which includes as Member advocate orally or in writing, you would be failing to comply with the legislation and thereby potentially committing a criminal offence and potentially breaching the Code of Conduct. This would also have opened the Council to potential legal challenge of any decision made and whether or not such challenge was successful you will appreciate the time, cost, potential delay and reputational damage such challenge could bring. You would also have opened yourself to the risk of breaching the legislation, breaching the Code of Conduct breaching the indemnity that Councillors are ordinarily protected by.

I am aware that you have previously corresponded with Katie White concerning your request to update the Register of Interests to remove your directorship of HTHL and there was a difference of interpretation between you both. The Register currently published on the Council's website lists your directorship. My advice is that until such time as your directorship of HTHL ceases the legislation requires it be listed on the DPI form, in box 3 (contracts) and depending on your interest possibly also box 7 (securities). The directorship is currently listed under boxes 1 and 7.

Under section 34(2) of the Localism Act it is a criminal offence to provide information on your register of interests which is false or misleading. My advice is therefore that you amend your register so that HTHL is listed under box 3 until such time as you are no longer a director, at which point you should update the register again to remove it. If you wish to amend the register so that there is no reference to HTHL despite still being a director, my role as Monitoring Officer and the requirements of that role to protect the Council would mean I would have no option other than to make a further referral to the police of a potential offence under section 34(2). Clearly I hope it does not have to come to that. I would therefore be grateful if you could confirm how you wish to proceed in respect of your DPI register.

Once HTHL have completed the necessary steps for your directorship to end (and therefore the DPI no longer applies) I think it would be useful for us to discuss what role you would be able to take in respect of future council meetings

receiving reports on the project, given the perception that your long held role and involvement on the project might create in terms of your ability to be seen to make independent decisions.

I appreciate that this has long been a frustrating issue for you, but Marie and I (and Katie previously) can only advise you on the law as it was prepared and implemented by central government, including the limitations and consequences of non-compliance that are imposed on Councillors.

I will follow this email with a telephone call to check it has been safely received.

Many thanks

Anthony Roche
Acting Corporate Legal Manager and Monitoring Officer - Legal Services

Direct Dial: 01462 474588

Hitchin Hertfordshire District Council
Council Offices
Letchworth Road
Letchworth Garden City
Hertfordshire
SG6 3JF

DX 31317 Letchworth

anthony.roche@north-herts.gov.uk
www.north-herts.gov.uk

From: David Leal-Bennett [<mailto:david@hitchinconservatives.co.uk>]
Sent: 14 August 2014 10:32
To: Marie Searle
Cc: Anthony Roche
Subject: RE: Planning Committee - Hitchin Town Hall item

Thanks


Happy to speak with Anthony and welcome back.

Yards

David

David Leal-Bennett
Highbury Ward Councillor

☎ +44 (0)1462 459583
<http://www.conservatives.com>

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31.



From: Marie Searle [<mailto:marie.searle@north-herts.gov.uk>]
Sent: 14 August 2014 10:18
To: Cllr Leal-Bennett (external)
Cc: Anthony Roche
Subject: RE: Planning Committee - Hitchin Town Hall item

Good morning David,

By way of this e-mail I am forwarding your comments to Anthony for consideration in his role as monitoring officer.

Kind regards,

Marie Searle
Solicitor

Direct Dial: 01462 474218
North Hertfordshire District Council
Council Offices
100 Church Road
Leichworth Garden City
Hertfordshire
SG6 3JF
marie.searle@north-herts.gov.uk
www.north-herts.gov.uk

From: David Leal-Bennett [<mailto:david@hitchinconservatives.co.uk>]
Sent: 13 August 2014 17:29
To: Marie Searle
Subject: RE: Planning Committee - Hitchin Town Hall item

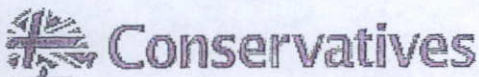
Marie

This was passed to NHDC sometime in September 2013, I believe 17th.

I am extremely concerned that the register has not been updated.


Regards

David



David Leal-Bennett
Highbury Ward Councillor

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From: Marie Searle [<mailto:marie.searle@north-herts.gov.uk>]
Sent: 12 August 2014 20:27
To: Cllr Leal-Bennett (external)
Subject: Planning Committee - Hitchin Town Hall item

David,

Further to our telephone conversation earlier today I have looked into some of the points we discussed, and I wanted to let you know my conclusions. Rather than call at this time in the evening I thought it better to drop you a line, but I will be available on the direct dial below tomorrow morning until around 11am if you would like to discuss further.

I took on board your comment that in your view your directorship of HTH is not a pecuniary interest. Setting aside that point (and from what you say it seems there is an ongoing difference of opinion on that issue) I still remain of the view that you have a Disclosable Pecuniary Interest that would prevent you speaking as member advocate on Thursday evening. The code of conduct and the underlying legislation states that you have a DPI if there is "Any contract which is made between you.....(or a body in which you...have a beneficial interest) and your council or local authority under which goods or services are to be provided or works are to be executed; and which has not been fully discharged" "A body in which you have a beneficial interest" is defined as "a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest".

On this basis, for so long as the Development Agreement is in place and you remain a director of HTH Limited, in my opinion you will have a DPI in relation to applications linked to the Town Hall development. If you were to resign as a director and file the resignation at companies house as you indicated you plan to do, then we would need to reconsider your ability to participate in Town Hall items of business. You would not automatically be precluded from speaking nor would you automatically be permitted to speak. Rather, as always, it would be a question of considering the facts at the time.

Given my conclusion that you have a DPI in relation to the Town Hall item, I will be advising committee services that you are unable to register to speak as a member advocate. The Code of Conduct and Planning Code of Good Practice are clear that where a member has a DPI in relation to an item they must not make any representations to the meeting at any stage, and therefore that rule also applies to potential member advocates. I appreciate your desire to make a statement from your personal perspective, and I can reassure you that I have looked carefully to see whether there is a route by which that would be permissible, but I simply cannot see that there is. The most I can suggest is that you contact the director of HTH that will be speaking at the meeting to ensure that he is aware of any particular points you feel should be brought to the attention of the committee and suggest that he include them in his presentation.

Finally, you mentioned on the phone that you thought the members register of interest may not be up to date, I have had the relevant paperwork checked and I am assured that there is not any filing outstanding with regard to your interests. Therefore you may wish to review the register and if you still feel that it needs updating then you should contact the monitoring officer to put that in motion.

Kind regards,

Marie Searle
Solicitor

Direct Dial: 01462 474218
 North Hertfordshire District Council
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 Gernon Road
 Letchworth Garden City
 Hertfordshire
 SG6 3JF
marie.searle@north-herts.gov.uk
www.north-herts.gov.uk

Jeanette Thompson

From: Anthony Roche
Sent: 28 August 2014 17:40
To: 'gareth.jackson@herts.pnn.police.uk'
Subject: RE: Planning Committee - Hitchin Town Hall item

Gareth

As discussed I have looked at other meetings that have received reports on the Hitchin Town Hall project.

The last meeting of the Full Council to receive a report was on 8 August 2013. The minutes show Cllr Leal-Bennett disclosing a DPI and leaving the room – please see <http://www.north-herts.gov.uk/aksnherts/users/public/admin/kab12.pl?cmte=COU&meet=38&arc=71>

recent Cabinet meeting on 24 June 2014 there was a Capital Programme Outturn report (item 11) which included a financial decision on the HTH project. Cllr Leal-Bennett is not a member of Cabinet (and so was not involved in the discussion or vote) but the minutes show him as being present at the meeting – please see <http://www.north-herts.gov.uk/aksnherts/users/public/admin/kab12.pl?cmte=CAB&meet=82&arc=71>

At a recent Planning Control Committee meeting on 14 August 2014 there was a Listed Building Consent application relating to the HTH project. Cllr Leal-Bennett is not a member of Planning Committee (and so was not involved in the discussion or vote) but the minutes show him as being present at the meeting – please see <http://www.north-herts.gov.uk/aksnherts/users/public/admin/kab12.pl?cmte=PCC&meet=91&arc=71>

Whilst my interpretation of the legislation is that these latter two do not amount to a criminal offence, his presence at the meetings was potentially a breach of this Council's Member Code of Conduct and is consistent with his recent approach in relation to the project.

The two officers we have identified as being able to provide the information you require are both on leave this week, but will be spoken to on their returns on Monday. I would therefore hope to be able to revert to you early next week with contact details etc so that you can set up meetings.

Kind regards

Anthony Roche
Acting Corporate Legal Manager and Monitoring Officer - Legal Services

Direct Dial: 01462 474588

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 Gernon Road
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 SG6 3JF

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anthony.roche@north-herts.gov.uk
www.north-herts.gov.uk

From: Anthony Roche
Sent: 27 August 2014 14:37

1017(B)

34.

'gareth.jackson@herts.pnn.police.uk'
Subject: FW: Planning Committee - Hitchin Town Hall item

Gareth

As discussed, please see below the latest exchange with Cllr Leal- Bennett. I confirm following our discussion I will not respond to his email.

I will revert to you with information regarding the project manager, minute taker and other meetings.

The link to Hitchin Committee minutes is as follows - <http://www.north-herts.gov.uk/aksnherts/users/public/admin/kab71.pl#HIT>

If you need any other information please do not hesitate to contact me.

Kind regards

Anthony Roche
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anthony.roche@north-herts.gov.uk
www.north-herts.gov.uk

From: David Leal-Bennett [<mailto:david@hitchinconservatives.co.uk>]

Sent: 14 August 2014 18:11

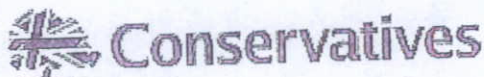
To: Anthony Roche

Marie Searle

Subject: RE: Planning Committee - Hitchin Town Hall item

Thank you, your advice is noted.

My office is 01462 441170 and mobile 07973 816266 - the one below is just an answer phone



David Leal-Bennett
Highbury Ward Councillor

+44 (0)1462 459583
<http://www.conservatives.com>

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From: Anthony Roche [mailto:Anthony.Roche@north-herts.gov.uk]
Sent: 14 August 2014 15:07
To: Cllr Leal-Bennett (external)
Cc: Marie Searle
Subject: RE: Planning Committee - Hitchin Town Hall item

David

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I understand from Marie that matters have moved on in respect of this evening, in that you are no longer intending to speak. Thank you for confirming this. Marie has also raised with me that you mentioned in passing that you planned to attend tonight to watch proceedings from the public gallery and she has asked me to cover this with you. Section 7.4 and 7.5 of the Council's Code of Conduct are clear that as you have a Disclosable Pecuniary Interest (discussed below) you must leave the room after any public speeches but prior to the debate of the item. I can ask that the speakers in Committee Room 1 are turned on so that you can follow the debate from there if you wish.

I think it is still helpful if I set out, for future reference, your position whilst you remain a director of Hitchin Town Hall Limited. I am aware that steps are underway for you to relinquish your directorship, but until those are fully completed you remain a director of a company that is in a contractual relationship with the Council. As Marie correctly explained below this is clearly a Disclosable Pecuniary Interest under the legislation. My advice is therefore that if you had taken part in the meeting, which includes as Member advocate orally or in writing, you would be failing to comply with the legislation and thereby potentially committing a criminal offence and potentially breaching the Code of Conduct. This would also have opened the Council to potential legal challenge of any decision made and whether or not such challenge was successful you will appreciate the time, cost, potential delay and reputational damage such challenge could bring. You would also have opened yourself to the risk of breaching the legislation, breaching the Code of Conduct and breaching the indemnity that Councillors are ordinarily protected by.

I am aware that you have previously corresponded with Katie White concerning your request to update the Register of Interests to remove your directorship of HTHL and there was a difference of interpretation between you both. The Register currently published on the Council's website lists your directorship. My advice is that until such time as your directorship of HTHL ceases the legislation requires it be listed on the DPI form, in box 3 (contracts) and depending on your interest possibly also box 7 (securities). The directorship is currently listed under boxes 1 and 7.

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Once HTHL have completed the necessary steps for your directorship to end (and therefore the DPI no longer applies) I think it would be useful for us to discuss what role you would be able to take in respect of future council meetings receiving reports on the project, given the perception that your long held role and involvement on the project might create in terms of your ability to be seen to make independent decisions.

I appreciate that this has long been a frustrating issue for you, but Marie and I (and Katie previously) can only advise you on the law as it was prepared and implemented by central government, including the limitations and consequences of non-compliance that are imposed on Councillors.

36.

I will follow this email with a telephone call to check it has been safely received.

Many thanks

Anthony Roche
Acting Corporate Legal Manager and Monitoring Officer - Legal Services

Direct Dial: 01462 474588

North Hertfordshire District Council
Council Offices
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Letchworth Garden City
Hertfordshire
SG6 3JF

DX 31317 Letchworth

anthony.roche@north-herts.gov.uk
anthony.roche@north-herts.gov.uk

From: David Leal-Bennett [<mailto:david@hitchinconservatives.co.uk>]

Sent: 14 August 2014 10:32

To: Marie Searle

Cc: Anthony Roche

Subject: RE: Planning Committee - Hitchin Town Hall item

Thanks

Happy to speak with Anthony and welcome back.

Regards

David

F Leal-Bennett
H ury Ward Councillor

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<http://www.conservatives.com>

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From: Marie Searle [<mailto:marie.searle@north-herts.gov.uk>]

Sent: 14 August 2014 10:18

To: Cllr Leal-Bennett (external)

Cc: Anthony Roche

Subject: RE: Planning Committee - Hitchin Town Hall item

37.

Good morning David,

By way of this e-mail I am forwarding your comments to Anthony for consideration in his role as monitoring officer.

Kind regards,

Marie Searle
Solicitor

Direct Dial: 01462 474218
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
Hertfordshire
SG6 3JF
marie.searle@north-herts.gov.uk
www.north-herts.gov.uk

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Sent: 13 August 2014 17:29
To: Marie Searle
Subject: RE: Planning Committee - Hitchin Town Hall item

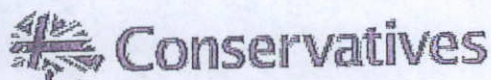
Marie

This was passed to NHDC sometime in September 2013, I believe 17th.

I am extremely concerned that the register has not been updated.


Regards

David



David Leal-Bennett
Hitchin Ward Councillor

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From: Marie Searle [<mailto:marie.searle@north-herts.gov.uk>]
Sent: 12 August 2014 20:27
To: Cllr Leal-Bennett (external)
Subject: Planning Committee - Hitchin Town Hall item

1017(F)
1109

David,

Further to our telephone conversation earlier today I have looked into some of the points we discussed, and I wanted to let you know my conclusions. Rather than call at this time in the evening I thought it better to drop you a line, but I will be available on the direct dial below tomorrow morning until around 11am if you would like to discuss further.

I took on board your comment that in your view your directorship of HTH is not a pecuniary interest. Setting aside that point (and from what you say it seems there is an ongoing difference of opinion on that issue) I still remain of the view that you have a Disclosable Pecuniary Interest that would prevent you speaking as member advocate on Thursday evening. The code of conduct and the underlying legislation states that you have a DPI if there is "Any contract which is made between you.....(or a body in which you...have a beneficial interest) and your council or local authority under which goods or services are to be provided or works are to be executed; and which has not been fully discharged" "A body in which you have a beneficial interest" is defined as "a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest".

On this basis, for so long as the Development Agreement is in place and you remain a director of HTH Limited, in my opinion you will have a DPI in relation to applications linked to the Town Hall development. If you were to resign as a director and file the resignation at companies house as you indicated you plan to do, then we would need to reconsider your ability to participate in Town Hall items of business. You would not automatically be precluded from speaking nor would you automatically be permitted to speak. Rather, as always, it would be a question of considering the facts at the time.

Given my conclusion that you have a DPI in relation to the Town Hall item, I will be advising committee services that you are unable to register to speak as a member advocate. The Code of Conduct and Planning Code of Good Practice are clear that where a member has a DPI in relation an item they must not make any representations to the meeting at any stage, and therefore that rule also applies to potential member advocates. I appreciate your desire to make a statement from your personal perspective, and I can reassure you that I have looked carefully to see whether there is a route by which that would be permissible, but I simply cannot see that there is. The most I can suggest is that you contact the director of HTH that will be speaking at the meeting to ensure that he is aware of any particular points you feel should be brought to the attention of the committee and suggest that he include them in his presentation.

Finally, you mentioned on the phone that you thought the members register of interest may not be up to date, I have had the relevant paperwork checked and I am assured that there is not any filing outstanding with regard to your interests. Therefore you may wish to review the register and if you still feel that it needs updating then you should contact the monitoring officer to put that in motion.

Kind regards,

M. Searle
Director

Direct Dial: 01462 474218
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
Hertfordshire
SG6 3JF
marie.searle@north-herts.gov.uk
www.north-herts.gov.uk

Any opinions expressed in this email are those solely of the individual. This email and any files transmitted with it are confidential and solely for the use of the intended recipient.

39.

Jeanette Thompson

From: Anthony Roche
Sent: 01 September 2014 18:00
To: 'gareth.jackson@herts.pnn.police.uk'
Subject: Disclosable Pecuniary Interest investigation

Gareth

Further to our conversation and my two previous emails we have now spoken to the two potential witnesses you have asked for and I confirm both are happy to assist you.

John Robinson, Strategic Director of Customer Services, is the Project Manager and can give you the background you need on the business relationship between Hitchin Town Hall Limited and the Council, including the relevant network.

Angel Schofield, Committee Services Officer, is the clerk who took minutes of the meetings of the Hitchin Area Committee and will be able to provide a statement on those.

When would you like to meet with them and how long would you need with each? I am happy to co-ordinate with you to set up meetings, given the need for sensitivity at this end. Please note John Robinson will not be available until after 18 September 2014 due to annual leave and other commitments.

I look forward to hearing from you.

Regards

Anthony Roche
Acting Corporate Legal Manager and Monitoring Officer - Legal Services

Direct Dial: 01462 474588

North Hertfordshire District Council
Council Offices
100 Church Road
Letchworth Garden City
Hertfordshire
SG6 3JF

DX 31317 Letchworth

anthony.roche@north-herts.gov.uk
www.north-herts.gov.uk

1017(+)
1111

12546

H.O.

24/9/14 T/c Gareth Jackson

Next week - any time

c 1hr w/ Nigel

- exhibiting of minutes

c $\frac{1}{2}$ day w/ John

Tues 2pm - JR office

↳ SN on hand

T/c GJ 14.00 17/10/14

Collecting papers on Monday

behaviour post-April could have a survey

discuss public interest

explain BSM project

look at docs, formulate

then i/v = end month/early Nov

then present to CPS

Jeanette Thompson

From: Anthony Roche
Sent: 24 September 2014 16:34
To: gareth.jackson@herts.pnn.police.uk
Subject: DPI matter

Gareth

Further to our conversation I have set up the following meetings for you at the Council Offices for Tuesday 30 September 2014:-

12 noon – Nigel Schofield

2pm – John Robinson (please note Mr Robinson may have his PA present for part of the meeting to help him locate the documents you require)

On arrival please ask for me and I will introduce you to the relevant officers.

I would be grateful if you could confirm safe receipt and your attendance next week.

Many thanks

Anthony Roche
Acting Corporate Legal Manager and Monitoring Officer - Legal Services

Direct Dial: 01462 474588

North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
Hertfordshire
SG6 3JF

DX 31317 Letchworth

ony.roche@north-herts.gov.uk
www.north-herts.gov.uk

Jeanette Thompson

From: Anthony Roche
Sent: 30 September 2014 12:53
To: gareth.jackson@herts.pnn.police.uk
Subject: FW: DPI matter

Re-sent as requested

Anthony Roche
Acting Corporate Legal Manager and Monitoring Officer - Legal Services

Direct Dial: 01462 474588

North Hertfordshire District Council
 Council Offices
 Lion Road
 Letchworth Garden City
 Hertfordshire
 SG6 3JF

DX 31317 Letchworth

anthony.roche@north-herts.gov.uk
www.north-herts.gov.uk

From: Anthony Roche
Sent: 24 September 2014 16:34
To: gareth.jackson@herts.pnn.police.uk
Subject: DPI matter

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On arrival please ask for me and I will introduce you to the relevant officers.

I would be grateful if you could confirm safe receipt and your attendance next week.

Many thanks

Anthony Roche
Acting Corporate Legal Manager and Monitoring Officer - Legal Services

Direct Dial: 01462 474588

North Hertfordshire District Council
 Council Offices
 Lion Road
 Letchworth Garden City
 Hertfordshire

43.

Jeanette Thompson

From: Gareth.JACKSON@Herts.pnn.police.uk
Sent: 06 October 2014 09:40
To: John Robinson
Subject: Hitchin Town Hall Evidence

Hi John

Very nice to meet you on Thursday. Just wondering when the paperwork you showed me would be ready?
More than happy to come up at any time to collect. With that paperwork, I will make a statement of your evidence.

Many Thanks

Gareth Jackson
DC 1113 Gareth Jackson
Economic Crime Unit
Herts HQ
Welwyn.
01707 638447

This e-mail is subject to our Legal Notice which you can view here [Hertfordshire Constabulary's Legal Notice](#)

HH.

Jeanette Thompson

From: Helen Bylett on behalf of John Robinson
Sent: 07 October 2014 10:59
To: 'Gareth.JACKSON@Herts.pnn.police.uk'
Subject: RE: Hitchin Town Hall Evidence

Hello Gareth,

We have the papers you requested now and I have managed to locate the other email string I mentioned – I'll provide a brief note to give you the relevance/context of that and that should be ready by lunchtime. I'll ask Helen Bylett to give you a ring once everything is ready.

Regards

John Robinson
Strategic Director Customer Services

Direct Dial: 01462 474655
Mobile: 07789 650732
Fax: 01462 474432

North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
Hertfordshire
SG6 3JF

john.robinson@north-herts.gov.uk
www.north-herts.gov.uk

From: Gareth.JACKSON@Herts.pnn.police.uk [mailto:Gareth.JACKSON@Herts.pnn.police.uk]
Sent: 06 October 2014 09:40
To: John Robinson
Subject: Hitchin Town Hall Evidence

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More than happy to come up at any time to collect. With that paperwork, I will make a statement of your evidence.

Many Thanks

Gareth Jackson
DC 1113 Gareth Jackson
Economic Crime Unit
Herts HQ
Welwyn.
01707 638447

Jeanette Thompson

From: Anthony Roche
Sent: 31 October 2014 16:26
To: 'Gareth.JACKSON@Herts.pnn.police.uk'
Cc: Gordon.McCULLOCH@herts.pnn.police.uk
Subject: RE: Localism Act Hitchin Town Hall Ltd

Gareth

Thank you for your email.

I will discuss with colleagues and revert to you.

Yards

Anthony Roche
Acting Corporate Legal Manager and Monitoring Officer - Legal Services

Direct Dial: 01462 474588

North Hertfordshire District Council
 Council Offices
 Gernon Road
 Letchworth Garden City
 Hertfordshire
 SG6 3JF

DX 31317 Letchworth

anthony.roche@north-herts.gov.uk
www.north-herts.gov.uk

From: Gareth.JACKSON@Herts.pnn.police.uk [mailto:Gareth.JACKSON@Herts.pnn.police.uk]
Sent: 31 October 2014 07:41
To: Anthony Roche
Cc: Gordon.McCULLOCH@herts.pnn.police.uk
Subject: Localism Act Hitchin Town Hall Ltd

Hello Anthony

I hope you are well and had a great holiday?

Anthony, I have been reading through the papers that John gave me and sought some supervisory advice in relation to this matter.

Following my meeting with Nigel, it was established and evidenced that Leal-Bennett attended the Hitchin Committee meetings on 4th June 2013, 16th July 2013, 10th September 2013, 12th November 2013 and 7th January 2014, where he was inconsistent with his declarations of his interest in the town hall via his directorship of Hitchin Town Hall Ltd and obviously breached the Localism Act by remaining in the meetings during the Town Hall discussions. However in May 2014 he was voted in to be the chairman of the Hitchin committee. Since he took the position in the chair, there has been 3 meetings of the Hitchin Committee. All of these meetings Leal-Bennett has followed the correct procedures, declared his interest and left the room when Town Hall discussions were in progress. Essentially only breaching the Localism act prior to the last 3 meetings.

I have sought advice from my superior officer in relation to the whole story that yourself, Nigel and John have told me. It has been decided that this situation does not differ from a similar case in North Herts that came before the police

ntly. Basically this person breached the act and then started towing the line. That matter was dealt with by ourselves, in the form breaches of your codes of conduct procedures. In light of that, it has been decided that this matter falls into the same category as it is deemed to fall outside of the public interest and will therefore be taken no further.

That said, should Mr Leal-Bennett recommence these or other breaches then a fresh investigation will commence. I understand that this may not be the desired conclusion to this matter that you were looking for, however we must weigh up all allegations of crime proportionally. I hope you understand.

If you would like to discuss the matter further, please contact me or DS 1668 Gordon McCulloch on the number below.

Kind Regards

[REDACTED]
DC 1113 Gareth Jackson
Cyber & Financial Investigation Unit
Herts HQ
[REDACTED]
[REDACTED]

This e-mail is subject to our Legal Notice which you can view here [Hertfordshire Constabulary's Legal Notice](#)

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Council Offices, Gernon Road, Letchworth Garden City, Hertfordshire, SG6 3JF

Telephone: (01462) 474000

Text Phone: (01462) 474800



Chief Constable Andy Bliss

Our Ref: DS/jw

Your Ref:

Contact Officer:

Direct Line: 01462 474278

E-mail:

Date: 4 December 2014

Dear Chief Constable Andy Bliss

It is with some reluctance that I am writing to you to make a formal complaint about the way that a matter referred to Hertfordshire Constabulary has been dealt with by your team. The matter is of a sensitive nature and involves the conduct of an elected Councillor of North Hertfordshire District Council (Councillor David Leal-Bennett) and involves matters which are prescribed as criminal activities by virtue of section 34 of the Localism Act 2011.

In summary a matter was referred to the Constabulary by Mrs White, the Council's Monitoring Officer on the 4 March 2014. I have attached the letter from Mrs White which sets out the detail of the complaint and the legislative background. Within a short period of time we received a response dated 8 March to say that the matter had already been considered and rejected as a relatively minor matter that did not meet the public interest test. This was of grave concern to us and it transpired that the officer had confused a referral made (and rejected) several months ago which related to a different 'complaint' about a different Councillor. Through your local Chief Inspector (Donna Pierce) I pointed out this error and as a result of her intervention an apology was made and the assessment of the complaint continued. Ms White was interviewed by one of your officers (DS Gordon McCulloch) on the 8 April and was advised that the investigation was ongoing.

Having had no contact from the constabulary for several months Mr Roche (Acting as Monitoring Officer whilst Ms White is on maternity leave) was contacted on the 27 August and was advised that the matter had been passed to a different officer (DC Gareth Jackson) and was still under investigation. Mr Roche and DC Jackson spoke on that day to discuss the relevant legislation and background and further information was supplied by email to the new case officer.

Mr Roche had a further telephone conference with DC Jackson on the 24 September and it was agreed that witness statements would be taken from relevant staff at NHDC, with a follow up email from Mr Roche confirming appointments for 30 September. Unfortunately DC Jackson did not receive that email, although did receive all other emails sent to him, and did not attend on 30 September. The interviews were swiftly rearranged for 2 October. At the time that statements were taken further background documents were requested and these were made available within 24 hours and DC Jackson contacted in order that he could collect them as

agreed. The documents were not collected until we made further contact with DC Jackson on or about the 17 October.

We were very disappointed to receive the attached e mail on the 31 October saying that due to the passage of time four of the five potential offences were now time expired and could not be pursued and that as Councillor Leal Bennett had complied with the legislation for the previous three meetings the circumstances did not meet the public interest test in order that a prosecution be pursued.

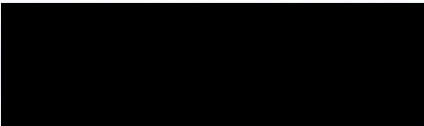
There are several points coming out of this unfortunate set of events which we wish to raise.

1. Following the legislative changes to the Local Authority Standards regime the only significant sanction is in circumstances (such as those subject of this referral) where there are criminal acts undertaken. Given the 12 month period within which charges need to be made it seems to us that it would be helpful for the future if there were a protocol/process developed between the constabulary and the Hertfordshire Councils to ensure that both parties have a process to work to for the sake of efficiency and expediency. We would be happy to work with your colleagues to develop the approach.
2. We are mindful that in relation to this particular complaint there have been multiple breaches of the Regulations albeit the majority (and most significant) of these have now become immune from prosecution as a result of the time delays in your investigation. We are also mindful of the potential for further offences, given Councillor Leal-Bennett's Disclosable Pecuniary Interest still exists. We would therefore request that the Constabulary send a warning letter to Councillor Leal-Bennett advising him of the fact that they have investigated a complaint which constituted a criminal offence but that at present no charges will be made.


In the event that the Constabulary are agreeable to the actions set out above we would consider this to be a reasonable response to the concerns which we have raised.

We are more than agreeable to discuss the matter in greater detail with your officers who will be looking into this matter. We would like to offer you our assurance that we are looking to work as effectively as possible with the constabulary to uphold standards in public office within the new legislative context.

Yours sincerely



David Scholes
Chief Executive



Anthony Roche
Corporate Legal Manager
& Monitoring Officer



HERTFORDSHIRE
CONSTABULARY

Chief Constable

☎ Direct Line: 01707 354501
✉ E-mail: andy.bliss@herts.pnn.police.uk

17th December 2014

Private & Confidential
David Scholes
North Herts District Council
Council Offices
Gernon Road
Letchworth Garden City
Hertfordshire
SG6 3JF

Dear Mr Scholes

Re: **Formal Complaint - Allegations regarding David Leal-Bennett**

Thank you for your letter of 4th December 2014. I note that your account outlines initial confusion by the police as to the fact that this was a new referral (made on 4th March 2013) and then after initial contact there was a time elapse of almost four months before further contact was made. Your letter then goes on to indicate further delays until you received an emailed decision on 31st October 2014.

As regards the question of expeditious and thorough handling of this case, I am today referring this matter to our Professional Standards department to consider whether the delays amount to misconduct.

I expect those who make allegations of crime to be treated courteously and to be updated promptly. I am sorry that this does not appear to have happened in this case.

As regards the decision made I recognise that you do not agree with the conclusion reached but that does not mean that the decision communicated by DC Jackson is wrong. I do not consider that, at this stage, this should be investigated as a misconduct matter. I will instead refer it for review to Detective Superintendent Nathan Briant who has the Cyber and Financial Unit within his command.

I would be grateful if you would clarify two points:

1. You refer in your letter to the 'attached' e-mail dated 31st October 2014 as suggesting that four of the five potential offences were now time expired. The e-

Police Headquarters, Stanborough Road, Welwyn Garden City, Hertfordshire, AL8 6XF

Reducing Crime, Catching Criminals, Keeping People Safe

www.herts.police.uk

1034

Chief Constable

mail you attach from DC Jackson makes no such reference. My reading of Section 34(6) of the Localism Act 2011 is that these matters are not time expired.

2. I am not clear what your own code of conduct procedures involve and what sanctions are available / have been imposed in this case.


Your letter focuses primarily on alleged breaches of the Localism Act. I am unclear also as to whether it is alleged that these are due to oversight, disagreement as to the requirement to disclose or are potentially indicative of more serious underlying criminality. I shall ask Detective Superintendent Briant to consider all possibilities on his review.

As regards your suggestion to establish a protocol, I am not convinced what such a document would achieve. I do, however, acknowledge that there is a need to clarify how referrals of potential crime such as audit compliance or misconduct in public office concerns should be referred and I shall raise this at the next CECG.

Your suggestion of a warning letter in this case would not accord with usual police practice and may be a more suitable recourse for your monitoring officer. In any case, any further action must now await the outcome of the review that I have asked Detective Superintendent Briant to carry out.

Inevitably these matters will take a little while to assess but I will ask that you are personally updated, if only with an interim update, by 16th January 2015 at the latest.

Yours sincerely


Andy Bliss QPM BA (Hons)
Chief Constable

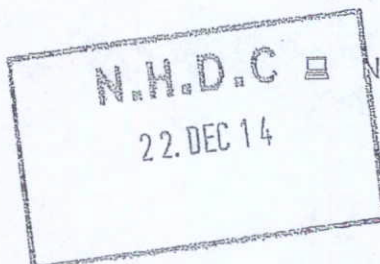


HERTFORDSHIRE

CONSTABULARY

Serious and Organised Crime Department

Mr David Scholes
North Herts District Council
Council Offices
Gernon Road
Letchworth Garden City
Hertfordshire
SG6 3JF



☎ Direct Line: 01707 638 411
Nathan.Briant@herts.pnn.police.uk

19th December 2014

Dear Mr Scholes,

Further to correspondence between you and the Chief Constable, I write by way of introduction and confirmation that I have been asked to undertake a review of a matter referred to us by your colleague Mr's White, back in March this year.

The Chief Constable has shared with me your letter of the 4th of December, and whilst I cannot judge the validity of the final outcome of the case before reviewing all of the papers, it is apparent that between March and October this year my team have left you with a less than favourable impression. For this I apologise and would like to assure you of my personal intervention in this matter with a view to a speedy resolution.

In keeping with the Chief Constable's request I will contact your personal assistant with a view to making an appointment to see you at some point prior to the 16th of January. I would of course be very happy for Mr Roche or any other colleague you deem necessary to join us.

In the interim if I can be of further assistance or you feel that there is something you wish to bring to my attention that has occurred since the 4th of December, please do not hesitate to contact me.

Yours sincerely,



Dr. Nathan Briant FCMJ
Detective Superintendent.
Head of Serious and Organised Crime
Hertfordshire Constabulary.



Mr A. Roche
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

22 December 2014
Our Ref: CO/01070/14/01.AcklocalLRltr

Dear Mr Roche,

I have received your complaint on 22nd December 2014.

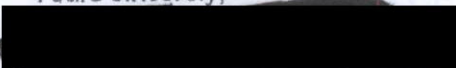
I am sorry that you have experienced a situation that you are unhappy with and would like to proceed with making a complaint. The Constabulary does take such matters very seriously and I have instructed a senior officer who has local responsibility for the area to allocate your complaint accordingly and once they have nominated an individual, they will make contact with you and progress the issues that you have raised. I have requested that your case is appointed to someone and dealt with expeditiously.

I encourage you to engage with the appointed person assigned to your case when they contacted you so that we can review what has happened, why it happened and what we can do to improve our service to you and your community.

Your complaint has been recorded in our Complaints Register and attached is a copy of the relevant entry. This is a concise outline of the issues that you have raised and if you feel that we have not reflected your issues correctly, you may discuss this with your appointed person.

In the meantime, if there is any further assistance we can offer, in regard to this matter, please do not hesitate to contact any of the staff in this department on 01234 842538.

Yours sincerely,


Mrs D Cox
Recording Manager
Professional Standards Department

Restricted

Professional Standards Department

Regulation 14 Police (Complaints & Misconduct) Regulations 2008 (Complainant)

Case Reference **CO/01070/14**

Case Recorded 22/12/14

SUMMARY

Complainant

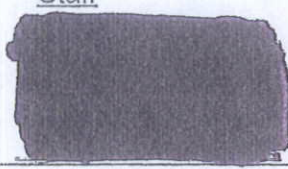
Allegation

Staff

Mr A. Roche

1 Other neglect or failure in duty

1 Other neglect or failure in duty



COMPLAINANT

Title
Surname
Names

Mr
Roche
Anthony

Address North Hertfordshire District
Council
Council Offices
Gernon Road
Letchworth
Herts SG6 3JF

ALLEGATION(S)

No
Recorded
Type
Location
Allegation

1
22/12/14
Other neglect or failure in duty

The complainant alleges that an the investigation regarding an elected councillor has been slow and there has been a confusion of information supplied, this has resulted in several of the offences being time expired.

STAFF COMPLAINED AGAINST

Collar Surname Forenames Employee No.

INVESTIGATING OFFICER(S)

Rank Surname Forenames Appointed

16/1/15 DS + AR + DS1 NB

Pulled all papers + spoken to inv officers

Apology - not finest hr

Poor investigation

Sig points in log overlooked - officers not had training

Will get more allegations - Localism + RPA election

↳ will prepare for that

get protocols in place

Recognise not great inv

Shouldn't have sat on desk for a few months

2 statements taken

hadn't recognised distinction in Act

complaint - have upheld

↳ poor + untimely

words of advice to officers, management sanction

don't have protocol or single point of contact

have memo of understanding w/ HCC

↳ point of contact + route in

DS explains background + aims of HTH project

Act

28(2)(b) - distinction b/r pecuniary + other than pec

not i/d or even told under investigation

enough to charge

realistic chance of conv

then P.I.T

Not satisfied overcome evidential test

whether prepared to give it a go

Charitable trust -

Not confident met evidential threshold

spk to DUB - understand posn

playing legal russian roulette

not go either way job

will meet w/him - make clear could go either way

not take action

meet w/him in next 3 wks

DI to work w/authorities to develop protocol

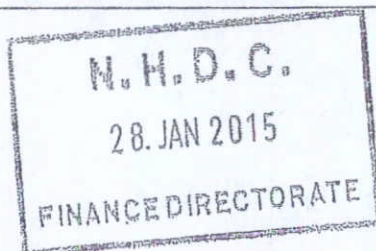
↳ come to heads of legal meeting

/ * code of conduct

/ * mercury article

File & copy to AL

56.



Mr D Scholes
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
SG6 3JF

27 January 2015

Our Ref: CO/01070/14/Engaged LR FINAL LETTER

Dear Mr Scholes,

I am writing in regards of the outcome of the complaint recently made by yourself and Mr Roche against the conduct of members of Hertfordshire Constabulary.

I understand that Detective Superintendent BRIANT FCMI visited you both on 16th January 2015 and discussed your complaint in detail for which he followed up in a letter to you on 16th January 2015.

I apologise on behalf of the Constabulary that you had cause to complain and hope that Detective Superintendent BRIANT has addressed all of your concerns.

If you or Mr Roche are not fully satisfied and feel that you have not had a comprehensive response, you do have the right of appeal to the Head of Professional Standards. This can be directed in writing to this department as addressed below within 28 days from the date of this letter.

Yours sincerely,



Ms L PURDOM
Business Manager



HERTFORDSHIRE

CONSTABULARY

Serious and Organised Crime Department

N.H.D.C.

26 FEB 2015

Mr David Scholes
North Herts District Council
Council Offices
Gernon Road
Letchworth Garden City
Hertfordshire
SG6 3JF

☎ Direct Line: 01707 638 411
✉ Nathan.Briant@herts.pnn.police.uk

20th February 2015**Re: Matters involving Councillor Leal-Bennett**

Dear Mr Scholes,

Further to previous correspondence and discussions in relation to the above matter, I am writing as promised, to update you on my meeting with Councillor Leal-Bennett.

I met with the Councillor this morning and outlined the events to date, informing him that he had been subject of a police investigation, and that he should have been made aware of this at the time, but due to an oversight by my officers, he was not contacted.

I explained the outcome of the investigation to Mr Leal-Bennett, as I had previously outlined to you; that the allegations against him hinged on the interpretation of the term "pecuniary interest" and whether or not this included the directorship of a not-for-profit limited company.

I explained to him that the legal advice received by North Herts District Council was that the term did include such a directorship, whereas his view was that it did not.


I explained that the position of Hertfordshire Constabulary was that in the absence of some judicial interpretation, we were not prepared to bring charges and expend public money to ascertain this position, particularly as the offence is triable only at a Magistrate's court, which due its position within the legal system, is incapable of making legal precedent for future cases.

I made the point to the Councillor, that he should not take this to be an endorsement of his position, any more than it should be seen as a rejection of the Council's position, merely, that in the absence of judicial precedent Hertfordshire Constabulary has decided not to prefer any charges.

I suggested to the Councillor, that he may wish to consider his position and adopt a more cautious approach and make the declaration of pecuniary interest, if only to prevent further allegations. This is of course a matter for him to consider.

I have now formally closed this investigation, but should you wish to discuss any further points, I am of course happy to do so.

Yours sincerely,


Dr. Nathan Briant FCMJ
Detective Superintendent.
Head of Serious and Organised Crime
Hertfordshire Constabulary.

Dr Nathan Briant
Head of Serious & Organised Crime
Hertfordshire Constabulary
Police Headquarters
Stanborough Road
Welwyn Garden City
Hertfordshire
AL8 6XF

Our Ref: DS/jw
Your Ref:

Contact Officer: David Scholes
Direct Line: 01462 474278

Date: 4th March 2015

Dear Dr Briant

I refer to your letter dated 20th February and thank you for updating on the current position.

I note that the investigation has now been closed.

Whilst the Council maintains its view regarding disclosable pecuniary interests which accord with leading Counsel's advice I now believe that the referral has been appropriately dealt with.

Yours sincerely

David Scholes
Chief Executive

cc: Anthony Roche, Monitoring Officer

Exhibit 25

LETTER DATED 20TH FEBRUARY 2015 FROM
DETECTIVE SUPERINTENDANT, DR NATHAN BRIANT *FCMI*
HEAD OF SERIOUS AND ORGANISED CRIME
HERTFORDSHIRE CONSTABULARY



HERTFORDSHIRE

CONSTABULARY

Serious and Organised Crime Department

Mr David Leal-Bennett
Via E-Mail

☎ Direct Line: 01707 638 411
✉ Nathan.Briant@herts.pnn.police.uk

20th February 2015

Re: meeting Friday 20th February 2015

Dear Councillor Leal-Bennett,

Further to our meeting this morning I am writing as promised by way of summary of our discussion.

You will doubtless recall that at the outset of the meeting I made it clear that you are not under investigation for any criminal offences by my department, but that you were the subject of a previous criminal investigation. As a matter of courtesy and investigative practice I believe you should have been made aware of this at the time, but due to an oversight on the part of the investigating officer this did not occur. Please accept my apologies once again for this.

I explained that the previous investigation related to allegations under the Localism Act 2011, whereby North Herts District Council alleged that you had breached the section relating to the disclosure of pecuniary interests.

We discussed the distinction drawn by the Act between a) pecuniary interests, and b) interests other than pecuniary interests. We also discussed the differing opinion in relation to whether the directorship of a not-for-profit limited company constituted a 'pecuniary interest' or an 'interest other than a pecuniary interest'.

It is apparent that you hold the view that such a directorship does not constitute a pecuniary interest, whereas North Herts District Council having taken legal advice are of the view that it does.

I explained that the position of Hertfordshire Constabulary was that in the absence of some judicial interpretation, we were not prepared to bring charges and expend public money to ascertain this position, particularly as the offence is triable only at a Magistrate's court, which due its position within the legal system is incapable of making binding legal precedent for future cases.

I made the point that you should not take this to be an endorsement of your position, any more than it should be seen as a rejection of the Council's position, merely, that in the absence of judicial precedent Hertfordshire Constabulary has decided not to prefer any charges.

I suggested that you may wish to consider a more cautious approach and make the declaration of pecuniary interest, if only to prevent further allegations. You highlighted that this would then require you to absent yourself from meetings and discussion, which you do not feel is appropriate. This of course remains a matter for you.

Dr Nathan Briant, Detective Superintendent, Head of Serious and Organised Crime, Hertfordshire Constabulary.
Police Headquarters, Stanborough Road, Welwyn Garden City, Hertfordshire, AL8 6XF

'Reducing Crime, Catching Criminals, Keeping People Safe'

www.herts.police.uk

1056



HERTFORDSHIRE

CONSTABULARY

Serious and Organised Crime Department

Having outlined the Constabulary's position, you updated me on more recent events in relation to your dealings with the council. You confirmed that you are no longer a director of Hitchin Town Hall Limited and expressed concern at the way in which some matters had been handled internally.

At the conclusion of the meeting I confirmed my intention to now close this file.

I hope you feel that this summary accurately reflects the main points of our discussion, but should you feel that I have overlooked a particularly significant point, please do let me know.

Yours sincerely,

Dr. Nathan Briant *FCMI*
Detective Superintendent.
Head of Serious and Organised Crime
Hertfordshire Constabulary.

Exhibit 26

EMAIL TRAIL RE MR CHARLTON NOTE FROM CLLR NEEDHAN

Email trail with Mr Scholes regarding a note passed to me

This note was passed to Cllr Leal-Bennett by Mr Charlton without any reason and placed Mr Charlton in a very embarrassing position. I took up the matter with Mr Scholes and the email trail is attached. The red is my marking.

PART II

I would like Mr Charlton to make sure the Hitchin AC are aware that because there are other avenues open to members then this (*a part 2 report to Hitchin Committee*) is a one off and not setting a precedent for all 5 area committees as a means of viewing part II papers

From: David Leal-Bennett
Sent: 03 February 2015 10:32
To: David Scholes
Subject: Hitchin Area Committee - Part II papers

Dear David

At the last pre-meeting I was handed the attached note from David Charlton, who said that I should pass it out to all Hitchin members at the start of Part II, he had several copies with him.

Mr Charlton declined to tell me from whom this originated and, after careful study, I stated that I would not comply but that the originator should contact me to discuss, there was no such contact.

The note is very poorly constructed and contains errors, it is also fatuous to reference the other Area Committees since they do not form part of HAC.

Had this originated from your legal department I know I would have had a more detailed note and explanation so I can only assume it was from another member of your staff or from somebody else, either way it placed Mr Charlton in a very embarrassing position and I do not think that he should have been exposed to such treatment.

Email trail with Mr Scholes regarding a note passed to me

I would be grateful if you would investigate this as a matter of urgency and report back to me. I wish to know who seeks to communicate with me in such a fashion and the reasons for so doing.

Thank you.

Regards

David

David Scholes
Hitchin Area Committee

From: David Scholes
Sent: 03 February 2015 14:40
To: Cllr Leal-Bennett (external)
Subject: RE: Hitchin Area Committee - Part II papers

David – I will make enquiries. Just so I am clear what was the date of the pre-meet ?

Regards

David

From: David Leal-Bennett [<mailto:david@hitchinconservatives.co.uk>]
Sent: 03 February 2015 16:33
To: 'David Scholes'
Subject: RE: Hitchin Area Committee - Part II papers

28th January, the day before HAC

David Leal-Bennett
Hitchin Area Committee

From: David Leal-Bennett
Sent: 09 February 2015 14:47
To: David Scholes
Subject: RE: Hitchin Area Committee - Part II papers

David

Are you in a position to advise me?

Regards

David

David Leal-Bennett
Hitchin Area Committee

From: David Scholes
Sent: 10 February 2015 11:06
To: Cllr Leal-Bennett (external)
Subject: RE: Hitchin Area Committee - Part II papers

David

Apologies for not responding sooner on this one.

I have now looked into this matter.

Following your request for the Part 2 reports to be reported to Hitchin Area Committee I understand that David Charlton sought advice on this in relation to the constitution. This was not dealt with explicitly in the constitution and therefore David sought guidance from the Portfolio Holder and the Leader regarding the provision of the Pt2 report in the agenda. Whilst there was no objection to this in this circumstance David was requested to advise that this should not be regarded as setting a precedent. Norma has spoken to David about **the way that this communication took place which was not handled satisfactorily and I can confirm that this should not happen again. Please accept my apologies for this.**

Regards

David

From: David Leal-Bennett
Sent: 19 February 2015 11:28
To: 'David Scholes'
Subject: RE: Hitchin Area Committee - Part II papers

David

You do not have to apologise, this was clearly something that was instigated by others and Mr Charlton was in the middle, and I believe was put in a very difficult position.

I fully understand that this may not have been specifically covered in the Constitution and in such circumstances was permitted, I assume that was the legal advice. Anyhow, that is somewhat academic since I asked Mr Charlton to advise the individual concerned to contact me to explain the reasoning; this was not done.

In my original email I stated:

"I wish to know who seeks to communicate with me in such a fashion and the reasons for so doing."

I believe that you may have answered the latter but not the former.

So perhaps you can advise me if it was the leader or the Portfolio Holder, i.e. Who instigated the note? (Incidentally I thought the leader was the Portfolio Holder with regard to the Constitution).

I look forward to your clarification.

Email trail with Mr Scholes regarding a note passed to me

Regards

David

PS If you would prefer to call me then please do.

David Leal-Bennett
Hitchin Area Committee

From: David Leal-Bennett
Sent: 26 February 2015 14:55
To: 'David Scholes'
Subject: RE: Hitchin Area Committee - Part II papers

David

I would appreciate a response please.

David

David Leal-Bennett
Hitchin Area Committee

Note:

No further communication received, it was therefore assumed that the perpetrator of the note was Cllr Needham. If this is the case, and I have no reason to suspect it is not, then in my opinion to communicate with the Chair of Hitchin Area Committee in this manner and exposing an officer demonstrates not only poor communication and leadership but a total disrespect for the office and typifies the manner Cllr Needham operates.

Exhibit 26a

EMAIL WITH COMET CONCERNING HITCHIN AREA COMMITTEE ELECTION
AND STATEMENT BY CLLR NEEDHAM CONCERNING A PRIVATE MATTER

Email trail: Withholding of Information
Hitchin Area Committee request for Churchgate Information note - declined

From: David Leal-Bennett
Subject: Fwd: Churchgate Information Note
Date: 3 September 2014 at 10:17:30 BST
To: David Levett
Cc: Simon M Harwood

Dear David

Last night Judy reported that the legal officer had stated that she could not give details of what had been requested (see below) owing to "commercial confidentiality"! Simon's response was that this was absolute rubbish and could in no way be construed as such.

Quite possible this lack of transparency could be reported in the press with headlines such as "Letchworth councillors insist on secrecy and keep Hitchin Area Committee in the dark on the Churchgate development" I could add that, as the Leader has lost control of Letchworth Area Committee she is trying to control Hitchin!!

Anyhow clearly the inexperienced Officers, and Lynda, are doing all they can to hinder the democratic process and will not seek out help and guidance when it is there to be had for free. This WILL end up delaying a decision and will cost more money, something I stated last night.

At Group I was hopeful that we could now move on and work together, clearly this is not the case, and yet again autocracy rules, John Harris's email seems to be more true now than ever.

I am not prepared to continue in this vein and suggest that you and Terry have a quite word with whomsoever to sort this out.

Hitchin residents, and certainly the elected members, have a right to know what is happening.

Perhaps we can have a chat later today.

Kind regards

David

From: "Louise Symes"
Subject: RE: Churchgate Information Note
Date: 2 September 2014 17:50:18 BST
To: "David Leal-Bennett"
Cc: "Norma Atlay", "Anthony Roche", "Cllr Deborah Segalini", "David Scholes"
"Cllr Terry Hone"

Dear Cllr Leal-Bennett

I note your email and I have managed to make contact with Norma Atlay, who is of a similar view to the point I made in my email yesterday, in that this is a **decision for the Project Executive** following advice from the Churchgate Project Board. The Project Board works in accordance with Prince 2 principles and the Council's project management framework. We will arrange a meeting of the Project Board as soon as we receive the legal advice and it will be for the Board to agree if any further advice is required and how they will inform

members. This is usually by way of a Churchgate Information Bulletin to all members, which is the same approach the Board has used throughout the project. As you are aware we will be reporting back to Council on 27th November 2014 and the outcomes of that full Council meeting will be reported to Hitchin Area Committee as an oral update on 2nd December 2014.

I can confirm that Eversheds will have the copy of the Hammersmatch QC advice and any other documentation they need to provide their response although as advised yesterday the questions are not solely focused on Hammersmatch's position but are seeking wider advice on the Council's ability to deal exclusively with any one developer.

Regards
Louise

Louise Symes
Strategic Planning & Projects Manager

From: David Leal-Bennett
Sent: 02 September 2014 08:57
To: Louise Symes
Cc: Norma Atlay; Anthony Roche; Cllr Deborah Segalini; David Scholes; Cllr Terry Hone
Subject: RE: Churchgate Information Note

Louise

In Norma's absence please refer to whomsoever, I require an answer before tonight's meeting.

As I mentioned I am extremely concerned that we are at risk of causing NHDC further costs and delay if we have not asked the questions in a clear and concise format. From what was relayed yesterday I am not convinced that this is the case and I would far rather we delay a few days and get it right now rather than have to revert for further clarification with the resultant costs and delays.

Can you also please confirm that the Hammersmatch QC opinion has been forwarded to Eversheds along with a copy of the contract/lease.

Please respond on this email address.

David Leal-Bennett

From: Louise Symes
Sent: 01 September 2014 18:13
To: Cllr Leal-Bennett (external)
Cc: Norma Atlay; Anthony Roche
Subject: Churchgate Information Note

Dear Cllr Leal-Bennett

Following our discussion at the Hitchin Committee Briefing this afternoon about the questions being asked of our legal advisors, I discussed the matter with Anthony Roche and we have concluded that it is a decision for the Project Executive, in discussion with the Project Board. As you are aware Norma is

Email trail: Withholding of Information

Hitchin Area Committee request for Churchgate Information note - declined

currently on leave and will not be back in the office until Wednesday. I will raise your request with her when she returns from leave.

Regards Louise

Louise Symes

Strategic Planning & Projects Manager

Exhibit 27

EMAIL TRAIL REGARDING REQUEST FOR INFORMATION AT HITCHIN AREA
COMMITTEE

Email trail regarding request for Information at Hitchin Area Committee

From: David Leal-Bennett
Sent: 23 October 2015 16:48
To: 'Richard Thake'
Subject: FW: Hitchin Committee - Pre-Agenda Meeting - TUESDAY 13 OCTOBER 2013 AT 4PM IN COMMITTEE ROOM 2

Dear Richard

You have seen the response from Mr Robinson and your comment and advice would be much appreciated.

Incidentally I am only seeking that his report/information note clarifies the actual costs of

1) Construction

2) Fit Out

and in both cases how much they have varied. To date even Terry can't find this out and it is in the Public interest to see how much over budget we are, by my reckoning the Construction Contract is 40% over.

I am afraid that Robinson seems to be doing the usual and it is NOT transparent in the published papers, far from it. There is a continual reference to the Project within which many items are hidden to make the figures look more palatable, to date all I have had is smoke and mirrors.

The real test is what did we agree with the contractor up front versus what we finally ended up paying the contractor - same for fit out; the sort of thing you would do if you had an extension to your house, as Terry would say 'Simples'.

Regards

David

From: John Robinson
Sent: 23 October 2015 15:51
To: David 1 Leal-Bennett
Cc: Hilary Dineen; Cllr Richard Thake; Claire Morgan; Steve Geach; Louise Symes; Mary Caldwell; Sharon Nahal
Subject: FW: Hitchin Committee - Pre-Agenda Meeting - TUESDAY 13 OCTOBER 2013 AT 4PM IN COMMITTEE ROOM 2

Dear Councillor Leal-Bennett,

The draft agenda circulated by Hilary Dineen did not include a item on the North Hertfordshire Museum/Town Hall project. I queried this with Hilary who confirmed that she had subsequently heard from you to the effect that this item should be included hence my statement that I understood you had now requested the item.

The reason for querying this was simply that I have heard you refer to the item as a 'standing item' and also understood that it is a standard item at your request.

Email trail regarding request for Information at Hitchin Area Committee

You asked for clarification on my statement that there were 'no significant issues within the Area Committee's area of responsibility to report' and I can advise this is because the project is specifically authorised by resolution of the Council and it together with Cabinet are the appropriate decision making bodies.

The information you are requesting (as advised by Hilary Dineen) is 'the original contract with Borrás and costs so far for construction and the costs so far for fit out'. These are largely already published on the Council's 'transparency' pages as part of our declaration of expenditure of contract and by way of reports as recently as September to Council. In view of your personal recent interest in the project and in line with previous advice from the Council's Monitoring Officer, in my view it is not appropriate that you should be involved in requesting a report to include details of this nature. Additionally, in view of the fact that Area Committee's terms of reference do not allow it to scrutinise the actions of Council I would decline any request to add further to the routine information which provides an update on the project in general terms.

John Robinson
Strategic Director Customer Services

From: David Leal-Bennett [mailto:dlb@syssol.net]
Sent: 13 October 2015 13:35
To: 'John Robinson'; 'Hilary Dineen'
Cc: 'Cllr Richard Thake'; 'Richard Thake' (Richard.Thake@hertfordshire.gov.uk); 'Claire Morgan'; 'Steve Geach'; 'Louise Symes'; 'Mary Caldwell'
Subject: RE: Hitchin Committee - Pre-Agenda Meeting - TUESDAY 13 OCTOBER 2013 AT 4PM IN COMMITTEE ROOM 2

For clarification, the Chair has NOT "now requested" this item to be placed on the agenda, it is a standard item as is Churchgate and Bancroft Recreation Ground, unfortunately it was missed off.

I am also not certain what is meant by "no significant issues within the Area Committee's area of responsibility", the Area Committees are, to the best of my knowledge, Executive Committees and as such have a remit that is wide ranging and it is not for individuals to make a subjective judgement about what is to be reported. If a report or information is requested then, in accordance with the Constitution, such information should be made available on an open basis unless it could be detrimental to NHDC in which case it should be dealt with as a Part 2 item.

David Leal-Bennett

From: John Robinson [mailto:John.Robinson@north-herts.gov.uk]
Sent: 13 October 2015 11:58
To: Hilary Dineen
Cc: David Leal-Bennett [redacted] Cllr Richard Thake; 'Richard Thake' (Richard.Thake@hertfordshire.gov.uk); Claire Morgan; Steve Geach; Louise Symes; Mary Caldwell
Subject: RE: Hitchin Committee - Pre-Agenda Meeting - TUESDAY 13 OCTOBER 2013 AT 4PM IN COMMITTEE ROOM 2

Hilary,

Email trail regarding request for Information at Hitchin Area Committee

I understand the Chairman has now requested an item on the Museum/Town Hall. Given the short notice I am afraid I am unable to attend the pre-agenda meeting later today (and am unable to provide a substitute) so would be grateful if you could tender my apologies. There are no significant issues within the Area Committee's area of responsibility to report on at this time and so the report will probably only update the previously reported timetable. Happy to speak with the Chairman or Vice Chairman if there are any queries.

Regards

John

Exhibit 28

TRANSCRIPT

CHURCHGATE PROJECT BOARD MEETING - 4TH JULY 2104

4th July 2014 10:28

Time	Comment
0:00 to 03:32	General noise whilst waiting in Committee Rooms 1 & 2
03:50	Opened door from committee room, met with Norma Atlay
03:39	DLB - Hello door opened by someone
03:53	Atlay - Are you supposed to be here? because I think you're not part of the Project Board
	I then opened the door, walked in and sat down on the right.
04:32 - Needham	David this doesn't have a public gallery this meeting, no statements
	Umm, Thank you Lynda by virtue of the Full Council resolution of 25th February 2010 and by my election of Chair of Hitchin Committee I am taking up my seat at the Churchgate Project Board. For clarity then, you are refusing the Chair of the Hitchin Committee to attend the Churchgate Project Board today. In that case by what authority are you refusing my attendance. For the record and for due process I require your written confirmation and reasons for refusing my attendance as Chair of Hitchin Committee at the Churchgate Project Board. In addition take this as my formal request for a written legal opinion covering the basis of your authority of issuing such a directive and your authority so to do. "....
	And of course everyone has left the room except Terry Hone
05:37	TH "I find it all very childish"
	DLB "I agree totally Terry, totally childish"
	Handed over script that was read out.
06:00	I'll pass it on, yeah?
	Nothing further recorded
07:22	Walked to D Scholes Office and spoke with Jill Welshman
07:50	End



Exhibit 29

INFORMATION AND EMAIL ACCESS REQUEST LETTER 01-DEC-15

Thurlstone House
26 The Avenue
Hitchin SG4 9RJ

t: +44 (0) 1462 441170
m: +44 (0) 7973 816266

Mrs N Atlay
Strategic Director
North Hertfordshire District Council
Council offices
Gernon Road
Letchworth Garden City
Hertfordshire SG6 3JF

1st December 2015

Dear Mrs Atlay

Access Request

I refer to my correspondence with Mr Howard Crompton, Head of Revenues, Benefits & Information Technology and in particular to his letter of 10th July 2015, see attached for your convenience. At that time I was not aware that Mr Crompton had made a statement criticising me under the NHDC Code of Conduct, as such he clearly is compromised (he did not declare this in July) and therefore I do not consider it appropriate to communicate with him concerning this issue.

As you may be aware matters have developed concerning this complaint and I am now in possession of the report and various statements. On reading this information it is clear that a considerable amount of information has been reference that is within the control of NHDC and which has not been disclosed to me.

Under my original request a limited amount of information was sent, much of which was repeated and of minimal assistance. I have been advised by my legal representative that I require sight of additional information in order that I might make my case.

As such, and under my original ICO request, I would ask that you arrange for the following to be provided:

- A complete copy of any files held on me
 - (one of these files has been referenced within the papers provided by Mr Scholes with various documents annotated "File DLB" or "File DLB 1:1")
- All emails, internal and external, file notes handwritten or typed, memos, correspondence etc. referencing me from the following individuals:
 - Cllr L Needham
 - Cllr Cowley
 - Mr D Scholes
 - Mr J Robinson
 - Mr A Roche
 - Ms K White
 - Ms S Nahal (either in her own name or on behalf of Mr Robinson)

Please note reference to "me" could be under various guises such as, David Leal-Bennett, David LB, dlb or other configurations.

Thurlstone House
26 The Avenue
Hitchin SG4 9RJ

t: +44 (0) 1462 441170
m: +44 (0) 7973 816266

For the moment all requested documentation to commence from the date I became a councillor i.e. May 2012, with the exception of the file held on me which should contain all information from its inception.

I look forward to your early response.

Yours sincerely

D L Leal-Bennett

cc Mr D Widdowson, Partner - Abbiss Cadres LLP, 15 Old Bailey, London EC4M 7EF

Exhibit 30

DETAILED EMAILS IN SUPPORT OF STATEMENT.

ALREADY IN THE HANDS OF NHDC BUT TIO BE PRINTED AS A HARD COPY
FOR REFERENCE AND EVIDENCE

EMAIL AND FILE RECORDS

ALL CURRENTLY HELD BY NHDC AND SUBJECT TO ICO REQUEST

- A complete copy of any files held on me
 - (one of these files has been referenced within the papers provided by Mr Scholes with various documents annotated "File DLB" or "File DLB 1:1")
- All emails, internal and external, referencing me from the following individuals:
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 - Mr A Roche
 - Ms K White
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DOCUMENTS BEING SUPPLIED BY NHDC

Exhibit 31

EMAIL TRAIL: WITHHOLDING OF INFORMATION
HITCHIN AREA COMMITTEE REQUEST FOR CHURCHGATE INFORMATION
NOTE - DECLINED

Email trail: Withholding of Information
Hitchin Area Committee request for Churchgate Information note - declined

From: David Leal-Bennett
Subject: Fwd: Churchgate Information Note
Date: 3 September 2014 at 10:17:30 BST
To: David Levett
Cc: Simon M Harwood

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From: "Louise Symes"
Subject: RE: Churchgate Information Note
Date: 2 September 2014 17:50:18 BST
To: "David Leal-Bennett"
Cc: "Norma Atlay", "Anthony Roche", "Cllr Deborah Segalini", "David Scholes"
"Cllr Terry Hone"

Dear Cllr Leal-Bennett

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Regards
Louise

Louise Symes
Strategic Planning & Projects Manager

From: David Leal-Bennett
Sent: 02 September 2014 08:57
To: Louise Symes
Cc: Norma Atlay; Anthony Roche; Cllr Deborah Segalini; David Scholes; Cllr Terry Hone
Subject: RE: Churchgate Information Note

Louise

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Cc: Norma Atlay; Anthony Roche
Subject: Churchgate Information Note

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Hitchin Area Committee request for Churchgate Information note - declined

currently on leave and will not be back in the office until Wednesday. I will raise your request with her when she returns from leave.

Regards Louise
Louise Symes
Strategic Planning & Projects Manager

